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OGC HAS REVIEWED.

Advisor for Management 8 November 1951

Legislative Counsel

Annual and Sick Leave.

1. Public Law 233 of the 82nd Congress, an Act to readjust postal rates, contains as Title II the "Annual and Sick Leave Act of 1951." This Act establishes the number of days of annual and sick leave to which all Government employees are entitled, and repeals immediately and retroactively the so-called "Douglas rider", passed earlier in the Session, which reduced annual leave to 20 days. In this latter connection, the Comptroller will accept claims making adjustments for personnel who have been separated from the rolls since 1 July who may have been paid a lump sum for leave based on the Douglas rider rather than on the old 26-day provision which remains in effect until 31 December 1951.

2. With certain noted exceptions not applicable to CIA, Public Law 233 applies to all civilian officers and employees of the United States. It takes effect as of January 6, 1952.

3. Section 203 of the Act sets forth the rate of leave accrual. It should be noted that for those with less than three years of service leave is earned at the rate of 13 days a year. Section 5(a)(3)(A) of Public Law 110 (The Central Intelligence Agency Act of 1949) provides that CIA shall order on home leave every officer and employee upon completion of two years' continuous service abroad, or as soon thereafter as possible, provided that such person has sufficient annual leave to carry him in a pay status while in the United States for at least 30 days. Thus, supervisors overseas should keep a careful check on the leave of those persons who have less than three years' Government service so that when they are returned to the United States they have the necessary 20 to 22 days accumulated leave necessary to give them (with weekends) the thirty-day leave period at home. Consideration will also be given to the modification of Public Law 110 in order to adjust to this problem. If such action is taken in the CIA legislative program for 1952 it will not be in effect much before 1 July 1952.

FOIAB5

4. Attention is called to Section 203(c) which allows the accumulation of annual leave up to 60 days. In addition, paragraph 203(d) permits the accumulation of leave of not to exceed 90 days for persons

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stationed outside of the United States and the District of Columbia. The final conference report on this bill, a copy of which is attached, notes on page 20 that the accumulation of leave at the end of a year means either fiscal or calendar year, depending on whether the agency administers leave on a fiscal or calendar year basis.

5. Section 203(g) provides that alien employees occupying positions abroad may, in the discretion of the head of the agency, be granted leave in accordance with this Act.

6. Section 203(h) provides that annual leave, including such leave as will accrue during the year, may be granted at any time during such year as the head of the agency may prescribe.

7. Section 203(i) provides that an employee shall be entitled to leave only after he had been currently employed for a continuous period of 90 days, and at the end of such period the 90 days shall be counted in determining the period for the granting of leave.

8. Section 204 which grants sick leave is self-explanatory.

9. Where an overseas employee is transferred to a domestic employment status and such employee has in excess of 60 days accumulated leave due to his overseas accumulations, such excess will remain to his credit until used, but the use in any year of leave in excess of the amount which shall have accumulated in that year shall reduce the overseas accumulation until it conforms to the appropriate amount.

Walter L. Pforzheimer

cc - AD/Personnel
A-DD/A (General)
Comptroller

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